

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO: 1:23-cv-423

TIMIA CHAPLIN, *et al.*

Plaintiffs,

v.

GARRY L. MCFADDEN, *et al.*

Defendants.

**SHERIFF GARRY MCFADDEN'S
MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINT**

Defendant Gary McFadden, in his official capacity as Sheriff of Mecklenburg County, hereby moves the court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss all claims asserted against him in Plaintiffs' Second Amended Complaint.

As grounds for this Motion, Defendant Gary McFadden, in his official capacity as Sheriff of Mecklenburg County, shows the Court that Plaintiff's Second Amended Complaint (Doc. 77) fails to state a claim upon which relief can be granted as to Defendant Gary McFadden in his official capacity as Sheriff of Mecklenburg County. Further grounds for this Motion are set forth in Defendant McFadden's brief, which is being filed contemporaneously with this Motion.

Wherefore, Defendant Gary McFadden in his official capacity as Sheriff of Mecklenburg County, respectfully submits that his Motion to Dismiss should be granted.

Respectfully submitted this 9th day of April, 2024.

This, the 9th day of April, 2024.

WOMBLE BOND DICKINSON (US) LLP

/s/Sean F. Perrin

Sean F. Perrin (NCSB No. 22253)

Michael A. Ingersoll (NCSB 52217)

301 S. College Street, Suite 3500

Charlotte, North Carolina 28202

Telephone No. (704) 331-4900

Fax No. (704) 338-7814

E-mail: Sean.Perrin@wbd-us.com

E-mail: Mike.Ingersoll@wbd-us.com

/s/J. George Guise

N.C. State Bar. No. 22090

George.Guise@mecklenburgcountync.gov

Mecklenburg County Sheriff's Office

801 East Fourth St.

Charlotte, NC 28202

Telephone: 704- 336-8100

*Attorneys for Defendant Sheriff Garry
McFadden in his official capacity of Sheriff of
Mecklenburg County*